

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA SHUMAN, a minor by and through  
his mother and natural guardian, TERESA  
SHERTZER, and TERESA SHERTZER  
Plaintiffs,

v.

PENN MANOR SCHOOL DISTRICT,  
PENN MANOR SCHOOL BOARD,  
GARY B. CAMPBELL, individually and as  
Superintendent of the Penn Manor School  
District,  
AND  
DONALD STEWART, individually and as  
Acting Superintendent of the Penn Manor  
School District,  
AND  
JANICE M. MINDISH, individually and as  
Principal of Penn Manor High School of the  
Penn Manor School District,  
AND  
BRIAN D. BADDICK, individually and as  
Assistant Principal of Penn Manor High School  
of the Penn Manor School District,  
AND  
PHILIP B. GALE, individually and as Dean of  
Students of Penn Manor High School of the  
Penn Manor School District,  
AND  
CAROLE FAY, individually and as a teacher  
and Agriculture Coordinator at Penn Manor  
High School of the Penn Manor School  
District,  
Defendants.

CIVIL ACTION  
No. 02-CV-3594

(GARDNER)

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2004, after  
consideration of Defendants' Motion for Summary Judgment and Brief in Support thereof, as  
well as Plaintiffs' Response to said Motion and Brief in Opposition thereto, it is ORDERED and  
DECREED that the following claims are DISMISSED:

- 1) all claims against Gary Campbell;

- 2) the claim of a violation of the First Amendment against Brian Baddick;
- 3) the claim of a violation of the Fourth Amendment against Donald Stewart; and
- 4) the claim of Negligent Infliction of Emotional Distress against all Defendants.

In all other respects, Defendants' Motion for Summary Judgment is DENIED.

**BY THE COURT:**

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**JAMES KNOLL GARDNER  
UNITED STATES DISTRICT JUDGE**